

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
THURSDAY, April 18, 2013
REGULAR MEETING – 6:30 p.m.**

MICHAEL TOERGE
Chair

BRADLEY HILLGREN **FRED AMERI**
Vice Chair Secretary

TIM BROWN
KORY KRAMER
JAY MYERS
LARRY TUCKER

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director
BRENDA WISNESKI, Deputy Community Development Director

LEONIE MULVIHILL, Assistant City Attorney **TONY BRINE, City Traffic Engineer**
MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF April 3, 2013

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**ITEM NO. 2 1420 W OCEAN FRONT ALTERNATIVE SETBACK (PA2013-045)
Site Location: 1420 West Ocean Front**

Summary:

A request for an alternative setback determination pursuant to Zoning Code Section 20.30.110.C (Alternative Setback Area Location) due to the orientation of the lot and required setbacks. The applicant proposes to maintain the required front setback of 10 feet along West Ocean Front and the side setback of 4 feet along 15th Street. The request is to change the rear setback requirement from 10 feet to 3 feet along the northerly property line abutting 104 15th Street and the side setback requirement from 4 feet to 3 feet along the easterly property line abutting 1416 West Ocean Front.

CEQA Compliance:

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations).

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Setback Determination No. SA2013-002.

ITEM NO. 3 441 OLD NEWPORT MEDICAL OFFICE BUILDING (PA2011-056)
Site Location: 441 Old Newport Boulevard

Summary:

A Conditional Use Permit application for off-site parking for a medical office building. Since the Planning Commission's review on September 6, 2012, the applicant has secured the ability to improve the adjacent property at 445 Old Newport Boulevard to accommodate at least 13 parking spaces during the day. Combined, the proposed on-site and off-site parking spaces will provide the minimum parking spaces required by the Zoning Code for medical office uses and the request for a reduction of the parking requirement is no longer included in this application. This item was originally scheduled for consideration on April 4, 2013, but was re-noticed to April 18, 2013.

CEQA Compliance:

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Conditional Use Permit No. UP2011-011.

ITEM NO. 4 KNIGHT RESIDENCE (PA2013-044) AND OU RESIDENCE (PA2013-043)
Site Location: 312 Hazel Drive and 316 Hazel Drive

Summary:

Appeals of the Community Development Director's determinations of the canyon development stringlines pursuant to General Plan Policy NR23.6 (Canyon Development Standards) and Coastal Land Use Plan Policy 4.4.3-18 for two single-family residential properties adjacent to Buck Gully. This item was continued from April 4, 2013 at the request of the appellants.

CEQA Compliance:

The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures).

Recommended Action:

1. Conduct a de novo public meeting;
2. Adopt Resolution No. ____ modifying the decision of the Community Development Director and establishing canyon development stringlines for principal and accessory structures at 312 Hazel Drive pursuant to General Plan Policy NR23.6 and Coastal Land Use Plan Policy 4.4.3-18; and
3. Adopt Resolution No. ____ modifying the decision of the Community Development Director and establishing canyon development stringlines for principal and accessory structures at 316 Hazel Drive pursuant to General Plan Policy NR23.6 and Coastal Land Use Plan Policy 4.4.3-18.

ITEM NO. 5 2014-2021 HOUSING ELEMENT UPDATE (PA2012-104)
Site Location: Citywide

Summary:

An amendment to the Newport Beach General Plan incorporating the 2014-2021 Housing Element update. The proposed Newport Beach Updated Housing Element is a comprehensive statement of the City's housing policies and serves as a guide for implementation of these policies. The Housing Element update examines current housing needs, estimates future housing needs, and establishes goals, policies, and programs pertaining to those needs. Housing programs are responsive to current and

future needs and established within the context of available community, state, and federal economic and social resources, and realistic quantified housing objectives.

CEQA Compliance:

All significant environmental concerns for the proposed project have been addressed in a previously certified Negative Declaration (ND) SCH No. 2011091088 for the 2008-2014 Housing Element Update, and that the City of Newport Beach intends to use said document for the above noted project. Copies of the previously prepared environmental document are available for public review and inspection at the Planning Division or at the City of Newport Beach website under Archived Environmental Documents at www.newportbeachca.gov/ceqadocuments.

Recommended Action:

1. Conduct a public hearing;
2. Discuss and provide comment related to the draft of the 2014-2021 Housing Element Update for City Council consideration; and
3. Recommend the City Council authorize submission of the draft of the 2014-2021 Housing Element Update to the Department of Housing and Community Development.

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 MOTION FOR RECONSIDERATION

ITEM NO. 7 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

**ITEM NO. 8 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT**

ITEM NO. 9 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT

Comments on April 18, 2013 PC Agenda Items

The following comments on April 18, 2013 Newport Beach Planning Commission agenda items are submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item No. 1 Minutes of April 3, 2013

The following corrections are suggested:

- “***The Irvine Company***” is referred to in the second line from the bottom on page 2 and in three places on page 3 as “*Irvine Company*.” I’m pretty sure “The” is usually regarded as part of the name.
- On the last line of page 4, “*Newport Uptown*” should read “***Uptown Newport***”

Item No. 2 1420 W Ocean Front Alternative Setback (PA2013-045)

Staff’s recommendation seems reasonable in view of nearby development, however it would seem to me the intent of the normal 10 foot rear setback requirement is to ensure residences will be developed with at least some usable private outdoor area. Reducing the setbacks on the sides away from the street and boardwalk to 3 and 4 feet means there will be very little of that.

As to the “Draft Resolution – Approve” (Attachment PC 1):

- The proposed title saying it is “*APPROVING STAFF APPROVAL NO. SA2013-002*” seems inconsistent with “Exhibit A” being signed by the Planning Commission. Shouldn’t Exhibit A be signed by the Community Development Director using, as it says, the numbers established by the Commission?
- Section 1.2, should probably say “*The applicant proposes to **maintain establish** the required front setback of 10 feet along West Ocean Front as well as the required side setback of 4 feet along 15th Street*” since the setbacks stated are quite different from the existing ones.
- In Section 2.2, the CEQA finding that “*The proposed project will alter the required setbacks, **but will not result in a physical change to the existing lot or structure***” seems questionable since it seems to me that since the proposal is coming from an architect it can be reasonably anticipated that the approval of this action *will* result in a physical change to the structure (see plans on handwritten page 28). It might be better to simply quote the language from the CEQA Implementing Guidelines, which says Exemption 5 includes “*set back variances not resulting in the creation of any new parcel.*”
- Section 2.3 states that it would be desirable for the applicant to bear the costs of any CEQA challenge, but I am unable to find anything in the draft resolution ensuring this will happen.

Item No. 3 441 Old Newport Medical Office Building (PA2011-056)

I submitted written comments on this item when it was before the Commission at its April 3, 2013, meeting.

I appreciate that Planning staff has been preoccupied with its move from the old City Hall site, but in addition to the previous comments (posted on the [Planning Commission webpage](#) for the April 3 meeting), I would note that the draft Resolution from the earlier staff report probably needs to be updated to reflect the fact that the original hearing was continued and that the final determination was made on April 18, 2013.

Item No. 4 Knight (PA2013-044) and Ou (PA2013-043) Residences

Please see comment on Item 3, above: I also submitted written comments on this item which may be found on the Commission's webpage under the April 3, 2013, meeting. Those comments include, among other things, some suggestions for minor typographical changes that do not seem to have yet been made (since the staff report has not been updated, including changing the hearing and approval dates in the draft resolutions), and other reservations about the recommendation.